

**Notice of Allowability****Application No.**

10/650,124

**Examiner**

LYLE A. ALEXANDER

**Applicant(s)**

REZNEK ET AL.

**Art Unit**

1797

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/12/10.
2. ☒ The allowed claim(s) is/are 1,7-12,14,16-25 and 69-70 renumbered as 1-20 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 5/12/10
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/LYLE A ALEXANDER/  
Primary Examiner, Art Unit 1797

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kilyk on 5/12/10.

1. A method for identifying a product specification for a batch, lot, or shipment of particulate material comprising

providing said particulate material;

said particulate material having at least one morphological value selected from the group consisting of shape, size, and structure or having at least one chemical value selected from at least one of the group consisting of overall composition, surface composition, and extractable materials, and

measuring and obtaining at least one interfacial potential property value for said batch, lot, or shipment of particulate material, and including the interfacial potential property value on a product specification sheet, purchase order, invoice, contract, waiver to a contract, or combinations thereof for the batch, lot, or shipment of particulate material, wherein said particulate material is carbon black or silica, and wherein particulate material is within product specification based on i) said interfacial potential property value and ii) said morphological value or chemical value.

7. The method of claim 1, further comprising the step of specifying at least one morphological value to said batch, lot, or shipment of particulate material.

8. The method of claim 7, wherein said specifying comprises including the morphological value on a product specification sheet for the batch, lot, or shipment of particulate material.

9. The method of claim 8, wherein the morphological value is selected from surface area, particle size, structure, porosity, or combinations thereof.

10. The method of claim 1, further comprising the step of specifying at least one chemical value to said batch, lot, or shipment of particulate material.

11. The method of claim 10, wherein said specifying comprises including the chemical value on a product specification sheet for the batch, lot, or shipment of particulate material.

12. The method of claim 11, wherein the chemical value is selected from pH, functional group level, or zeta potential.

14. The method of claim 1, wherein the particulate material is carbon black.

16. The method of claim 1, wherein the particulate material is fumed silica.
17. The method of claim 1, wherein said interfacial potential property value is determined by conducting an absorptometry method that comprises determining volume of a liquid added to said particulate material at maximum torque.
18. The method of claim 17, wherein the absorptometry method uses a liquid other than DBP or paraffin oil.
19. The method of claim 18, wherein the absorptometry method uses water, ethylene glycol, or mixtures thereof.
20. The method of claim 1, wherein the interfacial potential property value is determined by a wicking rate method comprising measuring the rate of wicking of a liquid up a bed packed with said particulate material.
21. The method of claim 1, wherein the interfacial potential property value is determined by a yield point method comprising measuring degree of flocculation as Bingham yield point.
22. The method of claim 1, wherein the interfacial potential property value is

determined by a interfacial potential vapor adsorption method comprising measuring a spreading pressure of a gas on said particulate material.

23. The method of claim 1, wherein the interfacial potential property value is determined by an inverse gas chromatography method comprising measuring retention of time of a gas probe flowing through a bed packed with said particulate material.

24. The method of claim 7, wherein the morphological value is determined by measuring liquid adsorption, measuring vapor adsorption, microscopic analysis, or combinations thereof.

25. The method of claim 7, wherein the morphological value is determined by an adsorption method comprising measuring the adsorption of iodine, nitrogen, CTAB, DBP, or paraffin oil by said particulate material.

69. A method for identifying a product specification for a batch, lot, or shipment of particulate material comprising

providing said particulate material;

said particulate material having at least one morphological value selected from the group consisting of shape, size, and structure or having at least one chemical value selected from at

least one of the group consisting of overall composition, surface composition, and extractable materials, and

measuring and obtaining at least one interfacial potential property value for said batch, lot, or shipment of particulate material, and including the interfacial potential property value on a product specification sheet, purchase order, invoice, contract, waiver to a contract, or combinations thereof for the batch, lot, or shipment of particulate material, wherein said interfacial potential property value of said particulate material is a measurement of at least one physical property that depends on the interaction of said particulate material with at least one other material or with itself, after the effects of morphology have been removed in said measuring and obtaining of said interfacial potential property value for any physical phenomenon that responds to both morphology and interfacial potential, and wherein said particulate material is carbon black or silica, and wherein particulate material is within product specification based on i) said interfacial potential property value and ii) said morphological value or chemical value.

70. The method of claim 69, wherein said interfacial potential property value is determined by:

conducting an absorptometry method that comprises determining volume of a liquid added to said particulate material at maximum torque; or

a wicking rate method comprising measuring the rate of wicking of a liquid up a bed packed with said particulate material; or

a yield point method comprising measuring degree of flocculation as Bingham yield point; or

a interfacial potential vapor adsorption method comprising measuring a spreading pressure of a gas on said particulate material; or

an inverse gas chromatography method comprising measuring retention of time of a gas probe flowing through a bed packed with said particulate material.

The following is an examiner's statement of reasons for allowance: In addition to the remarks of record, the cited prior art fails to teach or suggest the claimed method of identifying a product specification of carbon black or silica by measuring at least one morphological or chemical value and additionally measuring at least one interfacial potential property such that the carbon black or silica is deemed within the product specification based on the measured interfacial potential property value and the morphological value or chemical value.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYLE A. ALEXANDER whose telephone number is (571)272-1254. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LYLE A ALEXANDER/  
Primary Examiner, Art Unit 1797